

March 31, 2017

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, MB Docket Nos. 14-50, 09-182, 07-294, 04-256

Dear Ms. Dortch:

On March 29, 2017, Erin Dozier, Jerianne Timmerman, and the undersigned of the National Association of Broadcasters (NAB) met with Matthew Berry, Alison Nemeth and Alexandra McLeod of the Office of Chairman Pai to discuss NAB's Petition for Reconsideration in the quadrennial broadcast ownership review and related proceedings.¹

During the meeting, NAB representatives urged the Commission to grant the Petition. As discussed in the Petition and other filings, the vast and continuing changes across the media landscape dictate that the broadcast ownership rules be eliminated or substantially loosened. We stated that the FCC should adopt NAB's proposals to remove the eight-voices test from the local TV rule and reform the top four prohibition by allowing a single entity to own up to two of the top four-ranked stations in a local market; reverse the joint sales agreement attribution and shared services agreement disclosure requirements; and eliminate the newspaper/broadcast and radio/television cross-ownership rules. During our discussion of the top four-ranked restriction for local TV ownership, NAB pointed to record evidence that the top one or two stations often earn notably higher revenues and ratings than other stations, and that more significant breaks often exist between the first- and second- ranked stations, the second- and third- ranked stations or the third- and fourth-ranked stations, than between the fourth- and fifth- ranked stations.² These studies

¹ NAB Petition for Reconsideration, MB Docket Nos. 14-50 *et al.* (Dec. 1, 2016) (Petition).

² See Petition at 9-11; Comments of NAB, MB Docket Nos. 14-50, *et al.* at 52 & n. 160 (Aug. 6, 2014) (NAB 2014 Comments); see also Reply Comments of NAB, MB Docket No. 09-182, at 12 -13 & Att. A, Mark R. Fratrik, BIA/Kelsey, *Reforming Local Ownership Rules: Station and Market Analyses* (Apr. 17, 2012); NAB 2014 Comments at 51-54 & Att. B, Mark R. Fratrik, BIA/Kelsey, *Local Television Station Revenue Share Analysis: An Update* (July 23, 2014).

demonstrate that retention of a ban on combinations involving top four-ranked stations is arbitrary and capricious.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rick Kaplan', with a long horizontal flourish extending to the right.

Rick Kaplan
General Counsel and Executive Vice President,
Legal and Regulatory Affairs
National Association of Broadcasters

cc: Matthew Berry, Alison Nemeth, Alexandra McLeod, Michelle Carey, Mary Beth Murphy,
Brendan Holland, Benjamin Arden